

CATAHOULA PARISH SCHOOL BOARD

State Court Documents for

John Wesley Smith, Etux. v. Catahoula Parish School Board, # 29676 “A,” La. 7th JDC

EXHIBIT A

Parish of Catahoula
State of Louisiana
7th Judicial District Court

SERVE

JOHN WESLEY SMITH, ETUX.
VS. # 29676 "A"
CATAHOULA PARISH SCHOOL BOARD

CITATION

To: CATAHOULA PARISH SCHOOL BOARD
RONNIE LOFTON, PRESIDENT
200 BUSHLEY STREET
HARRISONBURG, LA 71340

SERVE

You are hereby summoned to comply with the demand contained in the **PETITION FOR TEMPORARY RELIEF AND FINAL RELIEF; AFFIDAVITS; ORDER; NOTICE OF FIXING**, of which a certified copy accompanies the Citation, or to deliver your answer in writing to said petition, in the office of the Clerk of the Seventh District Court, in and for the Parish of Catahoula which office is in the Town of Harrisonburg, said Parish and State, within 15 days after the service hereof. Your failure to comply herewith will subject you to the penalty of default judgment against you.

Witness the Honorable KATHY JOHNSON Judge of said Court, this the 9th day of August, 2019.

Garie H. Field

Clerk, Catahoula Parish, Louisiana

Pleading Submitted by:
BRANDY MCCLURE
ATTORNEY AT LAW
P.O. BOX 665
818 FIRST STREET
JONESVILLE, LA 71343

Parish of Catahoula
State of Louisiana
7th Judicial District Court

**JOHN WESLEY SMITH, ETUX.
VS. NO. 29676 "A"
CATAHOULA PARISH SCHOOL BOARD**

NOTICE OF FIXING

CATAHOULA PARISH SCHOOL BOARD
200 BUSHLEY STREET
HARRISONBURG, LA 71340

ATTORNEY FOR THE PLAINTIFF
BRANDY MCCLURE (ATTACHED: ORDER ONLY)
P.O. BOX 665
JONESVILLE, LA 71343

YOU ARE HEREBY SUMMONED to comply with the demand contained in the ORDER thereon, a true and faithful copy whereof accompanies this Notice, and to appear on:

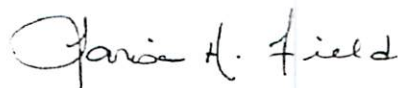
AUGUST 29, 2019 @ 9:00 A.M. FOR

RULE TO SHOW CAUSE

in the Seventh District Court, in and for the Parish of Catahoula.

WITNESS the Hon. KATHY JOHNSON Judge of said Court, this the 9th day of August, 2019, at Harrisonburg, Catahoula Parish, Louisiana.

*Attached hereto:



Clerk, Seventh Judicial District Court

Pleading Submitted by:
BRANDY MCCLURE
ATTORNEY AT LAW
P.O. BOX 665
818 FIRST STREET
JONESVILLE, LA 71343

NOTE:

If you desire a Court Reporter present at any court appearance in this case, please notify MARY LEONA PAUL if it is a Division "A" case or MARCIA B. MITCHELL if it is a Division "B" case, JUDGE'S OFFICE, P.O. BOX 600, HARRISONBURG, LA 71340. A Court Reporter's appearance fee of \$25.00 a day is required along with written notification at least one week prior to court appearance.



JOHN WESLEY SMITH and
JILL LOSSIN SMITH

VS NO. 2906 "B"

STATE OF LOUISIANA

PARISH OF CATAHOULA

CATAHOULA PARISH SCHOOL BOARD
RONNIE LOFTON, SUPERINTENDENT

STATE OF LOUISIANA

**PETITION FOR TEMPORARY RELIEF
AND FINAL RELIEF**

The petition of JOHN WESLEY SMITH and JILL LOSSIN SMITH, both of the full age of majority and who are domiciled in Catahoula Parish, respectfully represents as follows:

1.

Made defendant herein is CATAHOULA PARISH SCHOOL BOARD, a political subdivision of Catahoula Parish, domiciled in Catahoula Parish, Louisiana.

2.

JOHN WESLEY SMITH and JILL LOSSIN SMITH are the parents of E [REDACTED] S [REDACTED] E [REDACTED] S [REDACTED] is a resident of Catahoula Parish. E [REDACTED] S [REDACTED] lives four (4) miles south of Jonesville on Highway 124.

3.

At the present time, E [REDACTED] S [REDACTED] is twelve (12) years old, entering the eighth (8th) grade in the Harrisonburg Catahoula Parish school system. She has been attending Harrisonburg school for the last three (3) years.

4.

E [REDACTED] S [REDACTED] entered Harrisonburg school because of medical conditions. The medical conditions could not be handled at the Jonesville school. See Exhibit "A".

5.

E [REDACTED] S [REDACTED]'s medical issues are allergy/asthma and anaphylaxis related and defined in a letter previously sent to the Catahoula Parish School Board.

6.

E [REDACTED] S [REDACTED] is being attended by two (2) doctors. Dr. Prather, a specialist in overactive allergies from Opelousas, Louisiana and Dr. Russ from Natchez, Mississippi. See attached reports. Exhibit "B". Each doctor has submitted a medical statement and history of

E's illness that requires medical attention. Dr. Prather has had a conference call with Mr. Lofton, all submitted with Transfer Application.

7.

JOHN WESLEY SMITH and JILL LOSSIN SMITH have submitted all the required documents/evidence and have requested that E S remain in Harrisonburg school.

8.

The outstanding difference between the two schools are as follows: Harrisonburg has an ambulance service across the street from the school with proper medication. JILL LOSSIN SMITH meets with the agents of the ambulance service regularly to go over E S's medical concerns and the proper procedure should she go into anaphylactic shock. The importance of this is that an anaphylactic attack or shock has to be treated immediately within seconds or minutes. The epi-pen must be administered within seconds. E carries two (2) epi-pens at all times. The other reason is that Harrisonburg school has other students who suffer from allergies and are aware of the procedure.

9.

The reason E S transferred to Harrisonburg school three (3) years ago is that Jonesville school elected not to accommodate E S. JILL LOSSIN SMITH tried to implement a system to eliminate items that would cause anaphylaxis, but it did not work. Therefore, JILL LOSSIN SMITH withdrew E S from school. JILL LOSSIN SMITH home schooled E S for a year. After JILL LOSSIN SMITH home schooled E S, she then attended Harrisonburg school, from the year 2016 to present.

10.

A representative of Jonesville school stated that Jonesville school could not perform the necessary requirements to accommodate the medical conditions of E S.

11.

At present, the Harrisonburg school employees, especially cafeteria workers, families, students all work together to make the school safe for E S and also for the other students with the problems, similar to E

12.

With this in mind, the Superintendent's duty is to make sure the environment is safe for the student. All of the facts show the Harrisonburg school system is in the best interest of the minor child, E██████ S██████. The Superintendent erroneously conveyed the facts to the committee. How can the committee make a decision on facts of E██████ S██████'s medical conditions when the Superintendent does not know them? The committee members have not been revealed to the Petitioners and they request that they be named. If known, the Petitioners could provide added additional information to the members.

13.

The parents have shown by their evidence, as required by the Judgment, the reasons to have E██████ remain at Harrisonburg. The Superintendent has shown no evidence, whatsoever why E██████ S██████ should not return. It is important that E██████ S██████ continue in the Harrisonburg school system.

14.

It is also the duty of the Superintendent to keep students out of harm's way. There has been no evidence to show that moving E██████ to Jonesville school will keep E██████ S██████ out of harm's way.

15.

The plan is in place at the Harrisonburg school. The principal, teachers, employees, and students are all familiar with the medical conditions of E██████ S██████ and are able to act accordingly if E██████ S██████ has a reaction. The Superintendent has shown no concern for this, and is insisting that E██████ S██████ return to Jonesville school with no plan of action. This is not a decision that makes sense, and there is no consideration for the child's health or life. E██████ S██████ has seconds to get help from the time of the anaphylactic attack.

16.

There has been no evidence, reason, statements presented why E██████ should attend Jonesville school. Furthermore, the petition is based on a medical reason that is in compliance with the judgment and has no bearing. These are two separate and distinct issues.

17.

JOHN WESLEY SMITH and JILL LOSSIN SMITH believe that E██████ S██████ will suffer immediate injury, harm, or death if she attends school in Jonesville, When JILL LOSSIN

SMITH attempted to resolve issues concerning anaphylaxis with Jonesville school, she was ignored and had to withdraw E [REDACTED] S [REDACTED] from Jonesville school. If E [REDACTED] S [REDACTED] is not allowed to attend school in Harrisonburg, JOHN WESLEY SMITH and JILL LOSSIN SMITH will be forced to enroll E [REDACTED] S [REDACTED] in a private school. JOHN WESLEY SMITH and JILL LOSSIN SMITH requests that Catahoula Parish School Board to reimburse them for all private school expenses and all other fees associated with a private school.


18.

It was represented to the parents a "committee" would review the application of E [REDACTED] S [REDACTED] and render a decision. Petitioners were told their request was denied because of a federal court case. Petitioners ask who the member of "committee" are, no answer was given.

WHEREFORE, Petitioner prays for the following relief:

- (1) That an immediate ex parte order issue herein, that immediate and irreparable injury will result to minor child, E [REDACTED] S [REDACTED] if she is not granted enrollment in Harrisonburg school.
- (2) That a hearing be set on a date and time to be established by this Honorable Court, the purpose of said hearing being for CATAHOULA PARISH SCHOOL BOARD to show cause why E [REDACTED] S [REDACTED] should not attend school in Harrisonburg.
- (3) That the court finds this verified petition clearly demonstrates that immediate and irreparable injury will result to E [REDACTED] S [REDACTED] if she attends school in Jonesville, Louisiana.
- (4) The Defendant disclose who serves on the "committee" to review medical evidence and make decision.

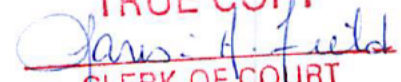
Respectfully Submitted:



BRANDY McCLURE
Bar Roll No. 31255
P. O. Box 665, 818 First Street
Jonesville, Louisiana 71343

PLEASE SERVE DEFENDANT:

CATAHOULA PARISH SCHOOL BOARD,
a political subdivision of parish served through president
200 Bushley Street
Harrisonburg, Louisiana 71340

TRUE COPY

CLERK OF COURT

JOHN WESLEY SMITH and
JILL LOSSIN SMITH

VS NO. 2019-08-07

CATAHOULA PARISH SCHOOL BOARD
RONNIE LOFTON, SUPERINTENDENT

FILED AND RECORDED
LARRIS H. FIELD
CLERK OF COURT

2019 AUG -7 PM 3:45

DEPUTY CLERK
CATAHOULA PARISH

STATE OF LOUISIANA

PARISH OF CATAHOULA

STATE OF LOUISIANA

AFFIDAVIT OF MOVER

BEFORE ME, the undersigned Notary Public, personally came and appeared:

JOHN WESLEY SMITH and JILL LOSSIN SMITH

who, after being duly sworn, did depose and state:

That they are the Mover in the above and foregoing Petition and that all of the allegations of fact contained therein are true and correct to the best of their information, knowledge, and belief.


JOHN WESLEY SMITH


JILL LOSSIN SMITH

SWORN TO AND SUBSCRIBED BEFORE ME, Notary, this 07 day of August,
2019.


NOTARY PUBLIC

Catahoula Parish School Board

Post Office Box 290
Harrisonburg, Louisiana 71340
Telephone: (318) 744-5727
Fax: (318) 744-9221

Superintendent
Dr. Gwile Paul Freeman

BOARD
Wayne Sam
Dewey W. Stockman

CATAHOULA PARISH SCHOOL WITHDRAWAL FORM

X Name: S E
Last First Middle

DOB: _____ Age: _____ Grade: _____ SSN: _____

Current Mailing Address: _____
P.O. / Street City Zip

Physical Address: _____
(If different) P.O. / Street City Zip

Forwarding Address: _____
(If different) P.O. / Street City Zip

School Currently Enrolled In (circle ONE only):

Aspire BHS CHS HES HHS
JES JHS MJH SIES SIHS

X Reason for withdrawal: Our child has life threatening allergies / anaphylaxis and
after two (2) attempts to communicate with her teacher, we were denied by

X If Changing Schools, Name and Address of School Transferring to: LA Public School
Name: _____
Address: _____

If Homeschooling, Name and Address of Curriculum Provider:

Name: _____
Address: _____

Proof of enrollment provided: yes no

**If Homeschooling, Proof of enrollment must be attached to this form (i.e. copy of bill of purchase of homeschooling materials.)

Last date of attendance in Catahoula Parish School System: 9-14-15

X Parent/ Legal Guardian Signature: Joan Kassin Date: 9-14-15

Accepted/ Approved by: Joan Kassin Date: 9-21-15

PRATHER PEDIATRIC ASTHMA & ALLERGY CENTER

J. Brent Prather, M.D.

Trina Ortego, NP-C Erin Hill, PA-C

2949 SOUTH UNION STREET
OPELOUSAS, LA 70570
PHONE (337) 948-9606
FAX (337) 948-7003
email: opelousas@pratherclinic.com
website: askdrbrent.com

200 PETROLEUM DRIVE
LAFAYETTE, LA 70508
PHONE (337) 988-9999
FAX (337) 989-2211
email: lafayette@pratherclinic.com
website: askdrbrent.com

May 28, 2019

Attn: Catahoula Parish School Board

I would greatly appreciate if my patient, E■■■S■■■ could attend HarrisonBurg Elementary School. She has a long history of severe food allergies and anaphylaxis to nuts, eggs, and shellfish, as well as a severe nasal allergy and asthma in the past. Attending HarrisonBurg Elementary would allow her to be across the street from an ambulance should she have an anaphylactic attack as well as being in a smaller classroom and a smaller school where she could be observed a lot closer. Discussing with her parents, we all feel this would be in her best interest and safety. Thank you for this consideration. Please feel free to call me with any questions about her medical history.

Sincerely,

J. Brent Prather, MD
J. Brent Prather, MD

J. Brent Prather, MD

4423755

01:12:56 p.m.

05-30-2019

1/1



Natchez Pediatric Clinic, PLLC

P.O. Box 17918
Jeff Davis Blvd., Suite A
Natchez, MS 39122

Phone: 601-442-5439

442-KIDZ

Fax: 601-442-3755

Jennifer V. Russ, M.D. Deana Mabry, NP-C Jennifer L. Lessley, NP-C Danita R. Weary, M.D.
Lindsey J. Lott, NP-C

318
339
7233

5/30/19

To Whom It May Concern:

E S is an 12 YO whom I follow in my clinic along with her Specialists for her asthma and allergies. Due to her health issues and frequent illnesses, E would benefit from a smaller classroom environment. Please allow these accommodations if they can be made. Thank you for your help.

Sincerely,

J. Russ

BRANDY McCLURE

Attorney at Law

818 First Street

P.O. Box 665

Jonesville, LA 71343

Telephone: 318-339-7337

Facsimile: 318-339-7157

July 29, 2019

Catahoula Parish School Board
Attn: Superintendent Ronnie Lofton
P.O. Box 690
Harrisonburg, LA 71340
Via Facsimile: 744-9470

RE: E [REDACTED] S [REDACTED]

Dear Mr. Lofton:

I have been retained by John Wesley and Jill Smith to write to you concerning their daughter, E [REDACTED] S [REDACTED]. Mr. and Mrs. Smith requested that E [REDACTED] S [REDACTED] be allowed to transfer to Harrisonburg High School. Mr. and Mrs. Smith received a letter from the school board dated July 2, 2019, advising that E [REDACTED] S [REDACTED] was assigned to school at Block. I am asking that you reconsider this decision. E [REDACTED] has been a student at Harrisonburg High School for 3 years.

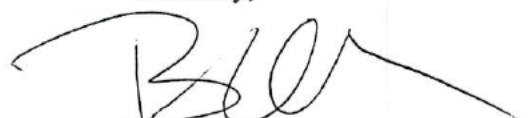
Pursuant to the desegregation order, a student can transfer to a school outside the assigned attendance zone with written support by a licensed medical doctor and the school of choice must be justified by and connected with the medical condition. Mr. and Mrs. Smith provided you with a letter from J. Brent Prather, MD. Further, the transfer is justified because of the location of an ambulance service across the street from the school. Should E [REDACTED] go into anaphylactic shock, the ambulance center has the necessary medicine to administer to E [REDACTED]. E [REDACTED]'s condition is life threatening, and the close proximity of ambulance service can save her life.

E [REDACTED] is zoned to attend school in Jonesville. E [REDACTED] S [REDACTED] was withdrawn from school in Jonesville in the fourth grade because the failure of the school to take necessary steps to protect E [REDACTED]. E [REDACTED] will suffer immediate and irreparable injury or harm or death she attends school in Jonesville.

Please reconsider your decision, and allow E [REDACTED] S [REDACTED] to transfer to Harrisonburg High School.

Thank you for your consideration.

Sincerely,



Brandy McClure

FILED AND RECORDED
LARISSA N. FIELD
CLERK OF COURT
7TH JUDICIAL DISTRICT COURT
IN RE: ELLA SHANTRY SMITH
VS. NO. 2019 AUG -7 PM 3:46 PARISH OF CATAHOULA
CATAHOULA PARISH SCHOOL BOARD STATE OF LOUISIANA
DEPUTY CLERK
CATAHOULA AFFIDAVIT

BEFORE ME, Notary Public, personally came and appeared J. BRENT PRATHER, M.D., who solemnly swears and affirms that the statements below are true and correct to the best of his information, knowledge and belief.

E [REDACTED] S [REDACTED] is currently a patient of J. BRENT PRATHER, M.D.

E [REDACTED] S [REDACTED] suffers from a long history of severe food allergies and anaphylaxis, as well as a severe nasal allergy and asthma.

Due to the health issues and frequent illnesses, E [REDACTED] S [REDACTED] would benefit from a smaller classroom environment of Harrisonburg High School.

Due to the severe allergies of E [REDACTED] S [REDACTED] would greatly benefit from the ambulance service located across the street from Harrisonburg High School.

The safety of E [REDACTED] S [REDACTED] should be considered. It is in the best interest of E [REDACTED] S [REDACTED] to attend Harrisonburg Elementary School.

This signed on the 31 day of July, 2019.

J. Brent Prather, M.D.
J. BRENT PRATHER, M.D.

NOTARY PUBLIC

IN RE: ELLA SHANTRY SMITH

VS. NO.

CATAHOULA PARISH SCHOOL BOARD

FILED AND RECORDED
LARISA H. FIELD
CLERK OF COURT
AUG - 7 PM 3:46
DEPUTY CLERK
AFFIDAVIT

7TH JUDICIAL DISTRICT COURT

PARISH OF CATAHOULA

STATE OF LOUISIANA

BEFORE ME, Notary Public, personally came and appeared JENNIFER V. RUSS, M.D., who solemnly swears and affirms that the statements below are true and correct to the best of her information, knowledge and belief.

E [REDACTED] S [REDACTED] is currently a patient of JENNIFER V. RUSS, M.D.

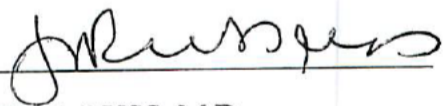
E [REDACTED] S [REDACTED] suffers from asthma and severe allergies.


Due to the health issues and frequent illnesses, E [REDACTED] S [REDACTED] would benefit from a smaller classroom environment of Harrisonburg High School.

Due to the severe allergies of E [REDACTED] S [REDACTED] would greatly benefit from the ambulance service located across the street from Harrisonburg High School.

The safety of E [REDACTED] S [REDACTED] should be considered. It is in the best interest of E [REDACTED] S [REDACTED] to attend Harrisonburg Elementary School.

This signed on the 31st day of July, 2019.


JENNIFER V. RUSS, M.D.


NOTARY PUBLIC

JOHN WESLEY SMITH and
JILL LOSSIN SMITH

VS NO. 29676 "B"

CATAHOULA PARISH SCHOOL BOARD
RONNIE LOFTON, SUPERINTENDENT

FILED AND RECORDED
LARISSA H. FIELD
CLERK OF COURT

AUG -7 PM 3:46

DEPUTY CLERK
CATAHOULA PARISH

STATE OF LOUISIANA

PARISH OF CATAHOULA

STATE OF LOUISIANA

ORDER

Considering the foregoing petition and attachments it is ORDERED that:

- (1) That the court finds that this verified petition clearly demonstrates that an ex parte order should issue herein because immediate and irreparable injury, harm, or death will result to E [REDACTED] S [REDACTED]
- (2) That an immediate ex parte order shall be issued ordering E [REDACTED] S [REDACTED] to attend school in Harrisonburg for the year 2019 until graduating.
- (3) That a hearing be set on a date and time to be established by this Honorable Court, for the purpose of the CATAHOULA PARISH SCHOOL BOARD to show cause why E [REDACTED] S [REDACTED] should not attend school in Harrisonburg.
- (4) That the CATAHOULA PARISH SCHOOL BOARD disclose who served or serve on the "committee" that reviews the Transfer Application contained herein.

Further, it is hereby ordered that the defendant, CATAHOULA PARISH SCHOOL BOARD, appear in the court on the 29th day of August, 2019, at 9:00am o'clock a.m. and show cause why E [REDACTED] S [REDACTED] should not attend school in Harrisonburg.

ORDER signed this 9th day of August, 2019, at Monroe Louisiana.


7th JUDICIAL DISTRICT JUDGE

PLEASE SERVE DEFENDANT:

CATAHOULA PARISH SCHOOL BOARD
200 Bushley Street
Harrisonburg, Louisiana 71340

TRUE COPY

CLERK OF COURT